



UNITED STATES DISTRICT AND BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO



## CM/ECF HELPFUL HINTS

Volume #4 - June 2005

These hints and tips, and answers to frequently asked questions, are designed to make your use of CM/ECF more efficient and problem-free. As our experience with CM/ECF continues, we will be constantly refining the process in order to best serve the needs of both the Court and the Bar. Check here often for additional information and news regarding CM/ECF procedures. Please direct your questions and comments by way of e-mail to ["ecfhelp@id.uscourts.gov"](mailto:ecfhelp@id.uscourts.gov) or call the help desk at (1-800-699-9842).

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### GENERAL ISSUES APPLICABLE TO DISTRICT AND BANKRUPTCY COURT

#### Viruses and the Use of ECF E-mail Address

The ECF address used by the court servers to send the Notice of Electronic Filing (NEF) has come to be a target due to the volume of mail traffic it generates. Like any other e-mail address, this one can easily be spoofed (forged) so don't be fooled simply because it "looks" like it came from the Court. You will never receive anything but text with hyperlinks from this address so the appearance of any file attachments should be your immediate warning that the message did **not** come from the court. Additionally, you do not need to have this address in your address book since it is the system generated address and you should never send or reply to this address. By having this address in your address book, it opens the door to unnecessary spoofing if your system is compromised by a virus. Please remove this address from your address book so that in the chance your machine is hit with a virus the Court's ECf e-mail address won't become a target for spoofing.

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### OTHER ISSUES APPLICABLE TO THE DISTRICT COURT

#### Detailed Description for a Clear Docket

When a Response is filed which contains no opposition to a previously filed pleading, counsel are encouraged to use the words "Non-Opposition" in formulating the title of such a Response.

## Submission of Motions as Separate Documents

Counsel should always submit separate motions as separate documents. For example, a Cross-Motion for Summary Judgement should never be combined with a Response to a Motion for Summary Judgment. It is critical that the Cross Motion be filed separately so that it will appear on the Pending Motions Report and can be properly linked to any subsequent Responses, Replies, Notices and Orders.

## Sealed Documents

If a party wishes to file a document under seal in CM/ECF in the District Court, they should first contact the Clerk's Office for instructions regarding how to file the document and how to maintain the confidentiality of the information.

If a party wishes to file a sealed motion they must first choose "motion" then browse to "sealed motion," describe the motion and if there are attachments, indicate and describe those. The motions and attachments should be in the "pdf" format. The attachments will be sealed as well. If a party wishes to file a motion asking that they be allowed to file a document under seal, then the document they are asking to file under seal should **not** be an attachment to the motion. Proposed Orders are sent to chambers by e-mail in word processor format, not electronically filed.

Also, any sealed motion filed, should include at the end of the motion, a request for the corresponding order to be sealed as well. It shall also indicate who the order shall be served upon (e.g. Counsel for \_\_\_\_\_ requests that the Order corresponding to this motion be sealed and that copies be sent only to counsel for \_\_\_\_\_. (If appropriate in criminal cases the US Marshal Service, US Probation and Interpreter should be added for service)

If a proposed order is submitted with the sealed motion and it too shall be sealed, the order shall be entitled clearly "SEALED ORDER" and it too shall indicate who the order shall be served upon. (e.g. "IT IS FURTHER ORDERED that this Order shall be and remain sealed. The Clerk is directed to serve this order only upon counsel for \_\_\_\_\_. (If appropriate in criminal cases the US Marshal Service, US Probation and Interpreter should be added for service)

Any order which is not sealed will be served on all parties.

Parties are reminded that they must serve sealed documents by mail on counsel if required by rule. The CM/ECF system will not electronically serve sealed material.



## OTHER ISSUES APPLICABLE TO THE BANKRUPTCY COURT

### Bankruptcy Creditor Matrix Failures

Please avoid using any of the special "meta" characters in your mailing matrix as they will cause a failure of the upload process. Specifically, you should avoid using the ~`!@#%&^\*+|\` characters. We have seen that some of these characters will work depending on which line they are contained on. For example, we know the ~!@#\\$| will cause the failure of that address and all following addresses when used in the first line, however some of these characters appear to work when included in the address line. It is our advice to avoid the use of these characters altogether

since their use is so problematic. Please do not use the % character to substitute for the "in care of" language but rather use the c/o designation. Please avoid punctuation including the apostrophe, which you can substitute with a space.

## **Pleading Format**

It is important to eliminate dense format and unnecessary information that may be in boilerplate language. It is better to use plain and clear statements of important and essential facts and allegations. It is also helpful to have short, separate paragraphs.

Remember that all attachments should be legible. The ability to "enlarge" a document in pdf format does not always make it readable.

## **Certificates of Service**

Certificates of service are required, and are not simply replaced by the notice of electronic filing (NEF). Electronic service may be under-inclusive (requiring mail or other service on certain parties), or over-inclusive (serving all registered participants when the motion is directed to only one or two such participants). The certificates should, ideally, show all the parties the movant wants to ensure the Court knows were served, and show the method by which they were properly served under the Rules. For example (and this is only one of many workable approaches):

I HEREBY CERTIFY that on the 15th of May, 2005, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Robert Jones, Attorney for Debtor	Samuel Adams, Attorney for ABCD Bank	J.D. Smith, Trustee
(address or e:mail address)	(address or e:mail address)	(address or e:mail address)

Office of the U.S. Trustee	Stephen Stevens, Attorney for Trustee
(address or e:mail address)	(address or e:mail address)

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

John and Jane Debtor	Idaho Construction Corp., Inc.	Robert Doe, President
1234 South 1st Street	c/o BR Corporation, its registered agent	Boise Receivables, Inc.
Smalltown, ID 83777	P. O. Box 1115	623 Main St.
	Boise, ID 83701	Meridian, ID 83715

Via certified mail, return receipt requested, addressed as follows:

USA First Bank, N.A.  
Attn: I. M. Rich, President  
616 Parkway Drive  
Minneapolis, MN 55454

\_\_\_\_\_/s/\_\_\_\_\_  
R. Johnson, Attorney for Movant

## **Proposed Order Format**

It is important that your word processing software is compatible with the software used in the court. Please check with the Clerk's Office if you have any questions. Use WordPerfect or Word, rather than submitting orders in pdf. format. Imaged orders in pdf format cannot be effectively edited and entered by the Court.

It is also important that you simplify the font style or face. Consider using Times Roman or a similar well-accepted and recognized, standard font. Elaborate and stylish fonts may look nice, but they do not transfer or translate well. Also, some fonts cannot be edited by the Court or interfere with the Court's ability to sign the order. Please reduce overly large font size and consider using 12 or 13 point throughout the document.

Also, it is recommended that you eliminate as much "formatting" as possible. For example, don't use hidden or internal codes and omit irregular line spacing, odd line or block justifications.

If formatted simply and correctly, the Court can enter its signature after the order text and before the "endorsements" of trustees and other counsel, as in pre-ECF days.

In order to indicate the end of text in the order, just use a brief ##### or ## (end of order) ##. (Some use //// instead of #####, which is fine so long as it's clear.) Stretching the end of text indication across the entire page is unnecessary.

If an attorney header was on the proposed order when submitted, and is missing from the order as entered, it usually means that the Court edited or revised the form of order.

## **Single Event Code Exception**

A Bankruptcy Motion to Lift Stay, Notice, and Certificates of Service should be in one document.

